1064

SUPREME COURT OF THE UNITED STATES.

No. 45.

JOHN J. JENKINS, ET AL, APPELLANTS

VERSUS

SARAH M. AND EDWARD PYE, INFANTS, BY JAMES B. PYE, THEIR FATHER AND NEXT FRIEND.

APPEAL FROM THE CIRCUIT COURT U. S. ALEXANDRIA, D. C.

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1887

DISTRICT OF COLUMBIA, to wit:

Pleas before the honorable the judges of the United States circuit court of the District of Columbia, for the county of Alexandria, at the court house in the town of Alexandria, the 31 day of October, A. D. 1837.

TITLE—Title.

SARAH MARIA PYE and EDWARD ARELL PYE, infants under the age of 21 years, by James B. Pye, their father and next friend, complainants,
against
JOHN J. JENKINS and ROBERT MORROW, and Mary his wife; defendants.

In Chancery.

Be it remembered, that herefore,to wit, at the rules held in the clerk's office of the said court for the month of July, in the year 1833, came the complainants by Robert I. Taylor, Esq. their solicitor, and filed their bill against the said defendants, which is in the words and figures following:

BILL—Bill.

To the honorable judges of the circuit court of District of Columbia, sitting in chancery at Alexandria:

Humbly complaining, show unto your honors, your complainants, Sally Maria Pye and Edward Arell Pye, infants under the age of 21 years, by James B. Pye, their father and next friend; that Richard Arell the great grand-father of your complainants, late of Alexandria aforesaid, departed this life intestate, in the year 1795, seized and possessed of a considerable real estate, in the town and county of Alexandria, and in the State of Virginia; that amongst other children the said Richard Arell left a daughter, named Mary, the wife of George Jenkins, who, as one of his heirs, became entitled to one part of his estate.

That the said Mary afterwards, during the life time of her said husband, departed this life intestate, leaving only one child, named Eleanor, the mother of your complainants, her heir at law, whereby all the right and title of the said Mary to her father's real estate, descended to the said Eleanor, subject only to the said Georges's tenancy by the curtesy; that partition of a part of the real estate of the said Richard, was made under the decree of the county court of Fairfax, then having full jurisdiction in the case, rendered at May term, 1797; and partition of the residue was made by decree of your honorable court, at November term, 1813, by which the shares or dividends of his respective heirs were assigned to them in severalty.

Your complainants exhibit herewith, as a part of their bill, a schedule of the parts assigned to the said Mary, and the said Eleanor, claiming under her; that after the death of her mother, and after the execution of the deed, hereinafter mentioned, the said Eleanor intermarried with the said James B. Pye, and soon after departed this life, intestate, leaving your complainants, her only children and heirs at law.

That the said Eleanor at the time of her mother's death was an infant of very tender years, residing with her father, and that she continued to reside with him until her marriage; that she never was informed of the extent of the property to which she became entitled by the death of her mother, and having led a life of great seclusion, in the country, at a distance from Alexandria, she had no means of acquiring information on this subject; that very soon after the said Eleanor had attained the age of twenty-one years, whilst she still resided under her father's roof, and remained in ignorance of the extent and value of her rights, the said George Jenkins availing himself of his parental authority, and of the habit of implicit obedience and submission on the part of his child, procured from her a conveyance of all her interest in the estate of the said Richard Arell, her grand-father; a copy of which deed, dated the 15th day of March, 1813, is herewith exhibited as a part of this bill; that the consideration mentioned in said deed, is merely nominal, and that it is not now pretended, and never was pretended, that the said Eleanor ever received any *valuable consideration* for executing the said deed; that it transferred, if available against her, all the property and estate of every description, to which she had any right, and left her wholly destitute of support, dependent on the will of the said George; that the said George, was at the time the said deed was made, and continued to be during his life, a man of large fortune, independently of the property acquired by the said conveyance; so that no motive can be found for it, in the wants or necessities of her father, nor does the subsequent conduct of the said George lead to the discovery of any particular object in view, in obtaining the said deed.

Your complainants are, under these circumstances, forced to believe, and do accordingly charge, that the said conveyance was made, solely in trust for the said Eleanor and her heirs, and that her father only intended by it to secure the property more effectually to the said Eleanor and her children, if she should have any, and to protect it from the accidents to which it might be exposed in the hands of a young and inexperienced female; they cannot believe that he ever intended to avail himself of it against the orphan children of his own child.

Be this however as it may, for on this point your complainants are without any direct evidence.

Your complainants are advised, and they do accordingly charge, that the said deed having been made wholly without consideration, did only operate to create a resulting trust in favor of the said Eleanor and her heirs, and that although the legal title may have passed by it, yet, in equity, the said George acquired by it no beneficial

interest, but took only as trustee, for the bargainer and her heirs.

If, contrary to the expectation of your complainants, their claim cannot be sustained on this ground, then they are advised, and do accordingly charge, that having been obtained by the undue influence of paternal authority, under the circumstances before stated, the said deed is in equity void, against the said Eleanor and her heirs, and ought to be vacated by the decree of your honorable court.

Your complainants further charge, that of the property so acquired, the said George, in his life time, sold and conveyed certain portions—a description of which, the prices at which he sold them, the names of the purchasers, and the terms of conveyance, are stated in the second schedule hereto annexed, as a part of this bill.

That the said George departed this life in the year 1831, having left no valid will of his real estate; that he left two children by another wife, that is to say, a son named John J. Jenkins, and a daughter named Mary, now the wife of Robert Morrow, and that the said John, Mary, and your complainants, are his only heirs at law.

That the said John has obtained letters testamentary, or of administration, on the estate of his said father, and with the said Robert Morrow, and Mary his wife, claim a beneficial interest as heirs at law, of the said George, in the property conveyed to him as aforesaid, by the mother of your complainants, and that the said John, under that claim, has since the death of his father gone on to receive, and continues to receive, all the rents and profits thereof, which have already amounted to a large sum of money.

Your complainants further show to your honors, that they are not disposed to disturb the title of the purchasers to the portions of the property sold as aforesaid, by the said George, if they can obtain from his estate the money for which they were sold, or adequate compensation for them; but the said John, and the said Robert Morrow, and Mary his wife, (all of whom are prayed to be made defendants hereto, the said John in his character of executor, or administrator of the said George, as well as in his own right,) wholly refused to allow any such compensation, and continue to assert their rights as heirs of the said George, to shares of the property conveyed to him, by your complainants' mother, as before stated.

All which actings and doings of the said defendants, are contrary to equity and conscience, and tend to the manifest wrong and oppression of your complainants. In tender consideration whereof, and inasmuch as your complainants have no remedy in the premises at common law, and can only be relieved by the interposition of your honorable court, where matters of this kind are properly cognizable, and to the end that the defendants, may on oath, full, true, and perfect answer make to the premises, as if the same were herein repeated and specially interrogated; but more especially that the said defendants may say, whether the said Mary Jenkins, formerly the wife of the said George, was not one of the children and heirs at law of the said Richard Arell, deceased, and as such entitled to a share of the real estate whereof he died seized? Does not the schedule

hereto annexed, contain a true description of the portions of the said real estate, which, on partition amongst the said heirs, was assigned to the said Mary, or her daughter Eleanor in her right, as their shares or dividends? If not, to what portions of the property, contained in the said schedule, do the defendants disclaim right, as heirs of the said George, claiming under the said deed? Does the second schedule, annexed, contain a true description of those portions of the property claimed by the said George under the said deed which were sold and conveyed by him, in his life time, with the names of the purchasers, the prices at which they were sold, and the terms on which they were conveyed? In what year did the said Mary depart this life? Did she leave the said Eleanor her only child and heir at law? When did the said Eleanor attain the age of 21 years? With whom did she reside, and where, from the death of her mother until her marriage? and was she not brought up in great retirement? Did not she intermarry with the said James B. Pye, and soon after depart this life, leaving your complainants her only children, and heirs at law? At what time did the said George Jenkins depart this life? Who has qualified as his executor or administrator? By whom have the rents and profits, of the property conveyed by the said Eleanor as aforesaid, been received, since the death of the said George, and to what amount?

And that the said deed, from the said Eleanor to the said George, may be decreed to stand, and be taken since his death as a trust, for the sole and exclusive benefit of your complainants, and that the defendants may be decreed, when required, to convey their legal title thereto to your complainants, and to account for and pay over to them all rents and profits, which have accrued since the death of the said George, and which may accrue, until such conveyance be made; or that the said deed may be vacated and set aside, as obtained by undue means, and that your honors may make such further and other decree in the premises as may be most consistent with equity and conscience. May it please your honors to grant to your complainants, the United States most gracious writ of supœna, &c.

R. I. TAYLOR,
For complainants.

DEED FROM ELEANOR A. TO GEORGE JENKINS.

Deed from Eleanor A. to George Jenkins, referred to in the foregoing bill.

This indenture, made this 15th day of March, in the year of our Lord one thousand eight hundred and thirteen, between Eleanor A. Jenkins of Charles county, in the State of Maryland, of the one part, and George Jenkins, of the county and state aforesaid, of the other part. Whereas Richard Arell, late of the town of Alexandria, departed this life intestate, leaving a considerable real estate, consisting of lots, lands, and ground rents, in and about the town of Alexandria, and State of Virginia. And whereas, the said Eleanor A. Jenkins, in right of her mother, now deceased, became entitled to a share or dividend of the said real estate of the said Richard Arell, deceased, subject, however, to the life estate of the aforesaid George Jenkins,

her father; and she, the said Eleanor A. Jenkins, is desirous of conveying her reversionary interest in the said real property to the said George Jenkins, her father. Now this indenture witnesseth: that the said Eleanor A. Jenkins, for and in consideration of the sum of one dollar, to her in hand paid by the said George Jenkins, at and before the ensealing and delivery of these presents, the receipt whereof the said Eleanor A. Jenkins doth hereby acknowledge, hath granted, bargained, and sold, aliened, released, and confirmed, and by these presents doth grant, bargain, and sell, alien, release, and confirm, unto the said George Jenkins, and his heirs, all the real estate, and ground rents of every description whatsoever, which she, the said Eleanor A. Jenkins, became entitled to in right of her mother, Mary Jenkins, deceased, out of the estate of the said Richard Arell, deceased; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the right, title, and interest of the said Eleanor A. Jenkins of, in, and to, the said estate of the said Richard Arell, deceased, whether divided, or undivided, and every part and parcel thereof. To have and to hold the said hereby granted premises, with all and singular the appurtenances thereunto belonging, unto the said George Jenkins, his heirs and assigns, to the only proper use and behoof of the said George Jenkins, his heirs and assigns, forever.

In witness whereof, the said Eleanor A. Jenkins hath hereunto set her hand, and affixed her seal, the day and year first above written.

ELEANOR A. JENKINS. [SEAL.]

Sealed and delivered in presence of
IGNS. SIMMS,
THOMAS A. DAVIS,
LAWRENCE DORSEY.

STATE OE MARYLAND, *Charles County, ss.*

I hereby certify, that on this day, personally appeared Eleanor A. Jenkins, the party grantor mentioned in the foregoing deed or instrument, before the honorable the judges of Charles county court, and, in open court, acknowledged the same to be her act and deed; and the land and premises therein mentioned, and thereby bargained and sold, to be the right, title, property, and fee simple estate of George Jenkins, party grantee therein mentioned, his heirs and assigns forever, according to the purport, true intent, and meaning thereof.

In testimony whereof, I have hereto subscribed my name, and affixed the seal of Charles county court aforesaid, this 23d day of March, Anno Domini, 1813.

[SEAL.]

JOHN BARNES,
Clerk of Charles county court.

STATE OF MARYLAND.

First judicial district viz: The subscriber, the chief judge of the above district, composed of St. Mary's, Charles, and Prince George's

counties, doth hereby certify, that John Barnes, Esq. whose certificate is above, was at the date thereof, and still is, clerk of Charles county court, and that his certificate is in due form.

Given under my hand this 16th day of November, 1813.

JNO. JOHNSON.

At an United States circuit court of the District of Columbia, continued and held for the county of Alexandria, the 3d day of November 1813, this deed from Eleanor A. Jenkins to George Jenkins, having been duly acknowledged by the said Eleanor A. Jenkins, before the county court of Charles county, in the state of Maryland, and certified by John Barnes, clerk of the said court, under his seal of office, and certified by Jno. Johnson judge of the first judicial district, is, on motion, ordered to be recorded.

Teste G. DENEALE, *Clerk.*

A copy—Teste:

EDM. I. LEE, *C. C.*

ANSWER OF JOHN J. JENKINS.

At another day, to wit, at the rules held in the clerk's office of the said court, for the month of May in the year 1833, came the defendants aforesaid, and filed their answers, which are as follows: The answer of John J. Jenkins to the bill of complaint, exhibited by James B. Pye, as next friend of Sally Maria Pye, and Edward Arell Pye, infants under the age of twenty-one years, to the circuit court of the district of Columbia, and for the county of Alexandria, sitting in chancery, against the said John J. Jenkins and Robert Morrow, and Mary his wife, defendants.

This defendant saving all benefit of exception to the errors and uncertainties in the complainants' bill, for answer unto so much thereof, as he is advised that it is material for him to answer, says; that George Jenkins, the father of this defendant, did intermarry with Mary, one of the children of Richard Arell, as charged in the bill; and that the said Mary, afterwards, to wit, on the 8th day of June 1796, departed this life intestate, during the life of her husband, George Jenkins, and leaving an infant daughter Eleanor A. Jenkins, who was born 17th September, 1790; that the said Eleanor did intermarry with the said James B. Pye, in the year 1815; and afterwards departed this life on the 19th day of July, 1818, leaving the two infant children, as named in the bill. It is also true, that the said Mary's right in her father's estate, subject to the said George's tenancy, by the courtesy, descended on her death to the said Eleanor. The defendant has also been informed, and believes, that a partition of Richard Arell's real estate was made, by which the shares of his respective heirs were assigned to them, but at what time these partitions were made, or what portions of property were assigned to the said Mary, or to the said Eleanor, this defendant is unable to state with accuracy, but presumes the complainants will obtain, and will exhibit to the court, satisfactory evidence on these points.

But the defendant denies that the complainants have any exclusive title, such as is now attempted to be set up to this property; or any other than as representatives, in part, of George Jenkins, deceased, by whom this property was held for many years, under a deed from his daughter Eleanor, executed on the 15th of March, 1813, then in her twenty-third year. The original deed, and as acknowledged by the said Eleanor, in open court, is herewith exhibited, as part of this answer. This deed was, as is well known, to this defendant, executed freely and voluntarily, without the smallest constraint or undue influence whatever, and with a full knowledge of the nature and extent of her rights; and with the fixed and avowed purpose of enabling her father so to dispose of, and manage said property, as should, in his judgment, turn it to the best account, and best enable him to do equal justice to all his family.

The peculiar state of the country at that time, the dilapidated state of the property, requiring great expense in repairs, the loss by fire, and being otherwise greatly depricated in value; and the said Eleanor at the time, under no engagement to marry, and not knowing even that she would ever marry, and prefering, to all other arrangements, to place herself on a footing of equality with her brother and sister, to be provided for thereafter, not only from this property, but from her father's otherwise large estate, and according to his sense of justice and propriety amongst his children, all made her desirous of executing the purpose, which was finally carried into effect by the deed already mentioned. So far from having been brought up in great or unusual, seclusion as charged, the opposite is the fact. She was educated at some of the best schools that could be procured, and almost entirely from home, until she reached the age of seventeen or eighteen years. And after she returned to her father's house, she had every means of information as to her rights that could be expected or desired; and that she was well informed, and had every opportunity of ascertaining the nature and extent of her rights, this defendant avers, as well by frequent visits to Alexandria, (where the property lay) and from habits of intimacy with her mother's relations, as otherwise; and in point of fact, there is not the smallest foundtion for any allegation of this kind, as set forth in the bill.

The said George Jenkins, departed this life on the 8th of April, 1831, leaving this respondent the sole executor of his will. And by this will the rents of the property in Alexandria, were directed to be applied to the payment of his debts in that place, as will appear by referrence to said will, a copy of which, is herewith exhibited, as a part of this answer. And these rents have accordingly applied exclusively to that object, the collection of them having been left in the hands of Charles Bennett, Esq. and Josiah H. Davis, Esq. to whom the decedent was indebted, and have by them been applied towards the payment of the debt due to them from the decedent.

By this will the said George Jenkins intended to make such a distribution of his property, (including the property in Alexandria, and conveyed to him by the said Eleanor, as above mentioned,) as appeared to him to be just and proper, amongst the members of his fam-

ily, but that will, not having been executed and proved in such form as to be valid for the transfer of real estate, the complainants have succeeded to a full and equal part of all his real estate in Maryland, which, by the will, was not intended, and to which, but for the sudden death of the said George, they whould have had no claim.

To show that your respondent has had no wish to defeat the arrangement of his deceased father, as evidenced by his will, he has, in conformity with those arrangements, offered to relinquish all claim to the Alexandria property, provided, the said James and his children, the complainants, would do the same as to the real estate in Maryland. But this has been declined, and a division is now taking place there, of which said complainants have the full benefit, as will appear by the copy of the petition for that object herewith filed, (marked No. 2.) The effect of a division under that petition and a decree in their favor, which they seek in the present bill, would be to give to the complainants instead of two-elevenths, which as grandchildren of the said George, they would be on principles of equality, entitled to, *to give them* more than one-half of his whole real estate. The respondent cannot believe that this would be equity. The bill of the complainants further prays to be paid out of the estate of the said George Jenkins the proceeds of such of the said property in Alexandria, as was sold by him; but the respondent denies, in any event, the justice or equity of this claim, as he well knows that, besides the heavy advances, necessary for the repairs of the property, and of which, under the circumstances, no accurate account was taken; the said Pye and his children, the complainants, have, during the lifetime of said George Jenkins, received from him several thousand dollars in bank stock and otherwise, which they have allowed no credit for, and which, in justice to other members of the family, never would have been so bestowed, but for the final arrangement which it had always been understood and agreed the said George was to make amongst them. This respondent further says, that it has now been upwards of twenty years since the conveyance in question was made; the immediate parties to it, and the witnesses attending the transaction, have all departed this life; and being now, for the first time, questioned under such circumstances, and after such a lapse of time, he is advised that all inferences and presumptions ought rather to be resorted to, to sustain, than to defeat an arrangement so deliberately executed by the parties, and so long acquiesced in by all concerned.

The repondent denies all combination, &c. and prays hence to be dismissed with his reasonable costs, &c.

JNO. J. JENKINS.

STATE OF MARYLAND, *Charles County, to wit:*

Be it remembered, that on this first day of May, eighteen hundred and thirty-four, personally appeared, John J. Jenkins, the respondent above named, before the subscriber, one of the State of Maryland's justices of the peace, in and for Charles county, and makes oath on the Holy Evangely of Almighty God, that the facts set forth in the

foregoing answer, so far as relates to his respondent's own knowledge are true, and so far as derived from others, he verily believes to be true, to the best of his knowledge and belief.

Sworn before

F. CLEMENTS.

MARYLAND, *Charles County, to wit.*

I hereby certify, that Francis Clements, gentleman, before whom the foregoing affidavit appears to have been made, was at the time thereof, and still is, one of the State of Maryland's justices of the peace, in and for Charles county, duly commissioned and sworn.

In testimony whereof, I do hereto subscribe my name, and affix the seal of Charles county court, the first day of May, in the year of your Lord eighteen hundred and thirty-four.

[SEAL.] JNO. BARNES,
Clerk of Charles County Court.

THE WILL OF GEORGE JENKINS.

The will of George Jenkins, referred to in the foregoing answer of John J. Jenkins.

In the name of God. Amen. I, George Jenkins, of Charles county, in the state of Maryland, being in a bad state of health, but of a sound mind, memory, and understanding, considering the certainty of death, and the uncertainty of the time thereof, I being desirous to settle my worldly affairs, and thereby be the better prepared to leave this world when it shall please God to call me hence, do, therefore make and publish this my last will and testament, in manner and form following, that is to say: First and principally, I commit my soul into the hands of Almighty God, and my body to the earth, to be decently buried, at the direction of my executor, hereinafter named. And after my lawful debts and funeral charges are paid, I devise and bequeath as follows:

First. I give and devise to my two grand-children, Sarah M. Pye, and Edward A. Pye, the whole of my real property, which lies in the *in the* town of Alexandria, in the District of Columbia, to be equally divided between them, (after all debts I may owe in the District be paid out of the rents of said property;) also eight shares in the Alexandria canal stock; and in case either of them should die during her or his minority, then for it to go to the survivor of them; and in case both of my *said* grand-children *should* die without issue, lawfully begotten; then, it is my will and desire, that the whole of the aforementioned estate should go to my son John J. Jenkins's children, and their heirs, forever.

Item. I give and bequeath to my daughter Mary H. Morrow, wife of Robert Morrow, one plantation, called Jenkins's Retreat, lying and being in Charles county, containing one hundred and sixty-eight

acres, three rods; also another plantation called Argyle, and being in the aforesaid county, containing one hundred and fifty-seven acres.

Item. I give and bequeath to Mary Louisa Morrow, the daughter of the aforesaid M. H. and Robert Morrow, one negro girl, named Harriet.

Item. I give and bequeath to the Rev. Ignatius Combs, or his successor, a lot of land lying on the east corner of my dwelling plantation Retirement, bounded as follows: on the east side by the main road leading to Port Tobacco, beginning at the gate on the main road, and running with James D. Mitchell's land, until it comes to the corner of my upper lot fence, then with said fence to the beginning; three acres, more or less, for the purpose of erecting a Catholic church thereon: Provided, however, that the church be built within ten years from the date hereof; otherwise, this bequest to he null and void, and to return to the owner of the aforesaid plantation, Retirement.

Item. I give and devise to my grandson, George Plowden Jenkins, my dwelling plantation, called Retirement. Containing six hundred acres, more or less, with all the improvements thereon; and another tract of land called Mount Rose, containing four hundred and ninety-nine acres, more or less, to him and his heirs, forever.

Item. I give and bequeath fifty dollars, current money, to McDonough's charity school, for the education of poor children.

Item. I give and bequeath all my personal property, after my lawful debts and funeral expenses are paid therefrom, to my son, John J. Jenknis's children, by his first wife.

Lastly. I do hereby constitute and appoint my son, John J. Jenkins, sole executor of this my last will and testament; revoking and annulling all former wills by me heretofore made; ratifying and confirming this, and none other, to be my last will and tastament.

In witness whereof, I have hereunto set my hand and affixed my seal, this 21st day of February, in the year of our Lord one thousand eight hundred and thirty-one.

[SEAL.] GEORGE JENKINS.

Signed, sealed, published, and declared by George Jenkins, the above named testator, as and for his last will and testament, in the presence of us who, at his request, and in the presence of each other, have sabscribed our names, as witnesses thereto.

JAMES ROCHE.

A CODICIL.

Whereas, I George Jenkins, of Charles county, have made and duly executed my last will and testament in writing, bearing date the ———day of———————in the year 1831, which said last will and testament, and every clause, bequest and devise, therein contained, I do hereby ratify and confirm (saving and excepting such clauses, bequests, and devises therein mentioned, as are by me hereinafter revok- and made void) do therefore make this my codical, which I will and

direct shall be taken and held as part of my said will and testament, in manner and form following, that is to say:

Whereas, in my said will, I did give and bequeath to the Rev. Ignatius Combs, or his successor, a lot of land, for the purpose of erecting a Catholic church thereon; now I do hereby revoke said legacy, and do give and bequeath it, the said lot, to the Right Rev. James Whitfield, Archbishop of Baltimore, and his successor, for the aforesaid purpose, and on the conditions stated in my said will.

Item. I give and bequeath unto my housekeeper, Mrs. Teresa Millstead, the sum of one hundred dollars for her services whilst living with me. In witness whereof, I have hereunto set my hand and affixed my seal this twelfth day of March, in the year of our Lord one thousand eight hundred and thirty-one.

[SEAL.] GEORGE JENKINS.

Signed, sealed, published, and declared by Geo. Jenkins, the above named testator, as, and for, his last will and testament in the presence of each other, have subscribed our names as witnesses thereto.

JAMES ROCHE.

Annexed to the foregoing instrument of writing, it is thus written:

CHARLES COUNTY, *sct. April 12th,* 1831.

Then came John J. Jenkins, executor of George Jenkins, late of Charles county, deceased, and made oath on the Holy Evangely of Almighty God, that the within instrument of writing, is the true and whole last will and testament, of George Jenkins, late of Charles county, deceased, that hath come to his hands or possession, and that he doth not know of any other.

Test: WM. D. MERRICK,
Reg. of Wills.

CHARLES COUNTY, *sct. April 12th* 1831.

Then came James Roach, the subscribing witness to the within last will and testament of George Jenkins, late of Charles county, deceased, and made oath on the Holy Evangely of Almighty God, that he did see the testator therein named, sign and seal this will, and that he heard him publish, pronounce, and declare the same to be his last will and testament; that at the time of his so doing, he was to the best of his apprehension, of sound and disposing mind, memory, and *understand:* and that he subscribed his name as a witness to this will, in the presence, and at the request of the testator.

Test: WM. D. MERRICK,
Reg. of Wills.

MARYLAND, CHARLES COUNTY, *sct.*

I hereby certify, that the foregoing instrument of writing, is truly copied from the records of the orphans' court of Charles county.

In testimony whereof, I have hereto subscribed my name, and offered the seal of said court, this 16th day of January, in the year of our Lord one thousand eight hundred and thirty-four.

Test:

[SEAL.] H. BRAWNER,
Reg. of Wills.

ORIGINAL DEED—ELEANOR A. TO GEO. JFNKINS.

Original Deed—Eleanor A. Jenkins to George Jenkins.

This indenture, made this 15th day of March, in the year of our Lord one thousand eight hundred and thirteen; between Eleanor A. Jenkins of Charles county, in the State of Maryland, of the one part, and George Jenkins of county and State aforesaid, of the other part.

Whereas, Richard Arell, late of the town of Alexandria, hath departed this life intestate, leaving a considerable real estate consisting of lots, land, and ground-rents, in, and about, the town of Alexandria, and in the State of Virginia. And, whereas, the said Eleanor A. Jenkins, in right of her mother, Mary Jenkins, now deceased, became entitled to a share or dividend of the said real estate of the said Richard Arrell, deceased, subject however, to the life estate of the aforesaid George Jenkins, his father, and she the said Eleanor A. Jenkins, is desirous of conveying her reversionary interest in the said real property, to the said Geo. Jenkins, her father.

Now, this indenture witnesseth, that the said Eleanor A. Jenkins, for and in consideration of the sum of one dollar, to her in hand paid by the said George Jenkins, at and before the ensealing and delivery of these presents, the receipt whereof, the said Eleanor A. Jenkins doth hereby acknowledge; hath granted, bargained, and sold, aliened released, and confirmed, and by these presents, doth grant, bargain and sell, alien, release, and confirm, unto the said George Jenkins, and his heirs, all the real estate, and ground-rents of every description whatsoever, which she, the said Eleanor A. Jenkins, became entitled to in right of her mother, Mary Jenkins, deceasad, out of the estate of the said Richard Arrell, deceased; and the reversion, and reversions, remainder, and remainders, rents, issues, and profits thereof; and all the right, title, and interest, of the said Eleanor A. Jenkins, in and to the said estate of the said Richard Arrell, deceased, whether divided, or undivided, and every part or parcel thereof.

To have and to hold, the said hereby granted premises, with all and singular, the appurtenances thereunto belonging, unto the said George Jenkins, his heirs and assigns forever.

In witness whereof, the said Eleanor A. Jenkins, hath hereunto set her hand, and affixed her seal, the day and year first above written.

ELEANOR A. JENKINS. [SEAL.]

Sealed, and delivered in presence of
IGNS. SEMMES.
THOS. A. DAVIS.
LAWRENCE POSEY.

STATE OF MARYLAND—*Charles County, to wit:*

I hereby certify, that on this day personally appeared Eleanor A. Jenkins, the party grantor mentioned in the foregoing deed or instrument, before the honorable the judge of Charles county court, and in open court acknowledged the same to be her act and deed, and the land and premises mentioned, and thereby bargained and sold, to be the right, title, property, and fee simple estate of George Jenkins, party grantor therein mentioned, his heirs, and assigns, forever, according to the purport, true intent and meaning thereof.

[L. S.] In testimony whereof, I have hereunto subscribed my name, and affixed the seal of said court, this 23d day of March, Anno Domini, 1813.

JOHN BARNES, *Clk. of Charles County Court.*

STATE OF MARYLAND—*First Judicial District, viz:*

The subscriber, the chief judge of the above district, composed of St. Mary's, Charles, and Prince George's counties, doth hereby certify, that John Barnes, Esq. whose certificate is above, was at the date thereof, and still is, the clerk of Charles county court, and that his certificate is in due form.

Given under my hand, this 16th day of November, 1813.

JNO. JOHNSON.

At an United States circuit court of the district of Columbia, continued and held for the county of Alexandria, the 3d day of Dec. 1813, this deed from Eleanor A. Jenkins to George Jenkins, having been duly acknowledged by the said Eleanor A. Jenkins, before the county court of Charles county, in the State of Maryland, and certified by John Barnes, clerk of the said court, under his seal of office, and certified by John Johnson, judge of the first judicial district, is, on motion, ordered to be recorded.

Teste: G. DENEALE, Clk.

ANSWER OF ROBERT MORROW AND WIFE.

The answer of Robert Morrow and Mary, his wife, to the bill of complaint exhibited by Sally Maria Pye, and Edward Arrell Pye, infants, under the age of twenty-one years, by James B. Pye, their next friend, to the circuit court of the District of Columbia, and

county of Alexandria, sitting in chancery, against John J. Jenkins, and Robert Morrow, and Mary his wife, defts.

These respondents saving all benefit of exception to the error and uncertainties in the compl'ts bill, for answer unto so much thereof as they are advised, it is material for them to answer, say: That the deed from Eleanor A. Jenkins, to her father, was, as they have always been informed, and believe, executed by her freely and voluntaily, and not only free from all constraint and undue influence, but at her particular desire. That the will of George Jenkins, deceased, intended to make what he considered a fair and equal distribution among his children and grand-children, but not having been attested and in such form, as was necessary to its validity for transferring real estate, the complainants have claimed a division of the real estate of the decedent in Maryland, and now wish to hold also the whole of the real estate in Alexandria, contrary, as they believe, to equity, and the wishes of the said George Jenkins, as declared in his said last will.

They would have no objection to the whole real estates in Alexandria being surrendered to the complainants, provided they would relinquish their claims to the estate in Maryland; and believe it would be unjust, otherwise, to set aside an arrangement made so long since by their parents, unless they would conform to what is well known to have been their wishes and intentions, in relation to this subject; and they pray that the court may either decree a division of the property in Alexandria among all the representatives of George Jenkins, who died intestate, as to his real estate; or in the case of decreeing the property in Alexandria to the complainants, that they be required to relinquish their claim to the property in Maryland, so that equal justice may be done to other members of the family.

And they pray to be hence dismissed with their reasonable costs, &c.

STATE OF MARYLAND—*Baltimore city.*

Be it remembered, that on this sixth day of May, 1834, before me, Henry Bruce, a justice of the peace, of the State and city aforesaid, personally appeared Robert Morrow and Mary H. Morrow, his wife, formerly Mary H. Jenkins, and made oath on the holy *Evangelis* of Almighty God, that the aforegoing instrument of writing is a just and true answer to the bill of complaint of the heirs of John Jenkins, deceased, against them, to the best of their knowledge and belief.

In testimony whereof, the said Robert Morrow and Mary H. Morrow, have hereto subscribed their names, and I, the said justice, have subscribed my name, the day and year aforesaid.

ROBERT MORROW,
MARY H. MORROW.
HENRY BRUCE,
Justice of the Peace.

STATE OF MARYLAND—*Baltimore county, sct.*

I hereby certify, that Henry Bruce, gentleman, before whom the above depositions *was* made, and who has thereto signed his name, was, at the time of so doing, a justice of the peace, in the State of Maryland, in and for the city of Baltimore, duly commissioned, and sworn.

[L. S.] In testimony whereof, I have hereto subscribed my name, and affixed the seal of Baltimore county court, this 6th day of May, 1834.

THOS. KELL,
Clerk Balt. Co. Court.

GENERAL REPLICATION TO ANSWERS—CAUSE SET FOR HEARING—AGREEMENT OF COUNSEL.

To which answers the complainants reply generally.

At another day, to wit, at the rules held in the clerk's office, of the said court, in the month of April, in the year 1835, came the parties aforesaid, by their solicitors, and this cause is set for hearing upon the bill, answers, general replication, and exhibits. And at a court, continued and held for the county of Alexandria, the 11th day of May, 1835, came the parties, by their solicitors, and the answers of the defendants, heretofore filed, not having been noted, on the defendant's motion the said answers are now ordered to be entered as filed, and the plaintiffs' reply generally thereto, and by like consent, it is agreed that the answers of John J. Jenkins, shall be deemed and taken as standing for the answer of the defendants, Robert Morrow and wife, with the answers by them heretofore filed; and this cause is now, by consent, set for hearing; and, by the defendants, it is admitted, that George Jenkins, in the bill mentioned, was at the time of the execution of the deed from Eleanor Jenkins to him a man of large fortune, and so continued to be until his death; and that the deed, before mentioned, conveyed all the estate to which the said Eleanor was in any manner entitled.

REFERRED TO A MASTER COMMISSIONER.

And at another day, at a court, continued and held for the district and county aforesaid, the 26th day of October, 1835, came the parties aforesaid, by their solicitors, and this cause having been heretofore set for decree, and now coming on to be heard, on the bill of the complainants, and the answers of the defendants, to which the complainants have replied generally, and on the exhibits filed. It is thereupon, by the court, preparatory to a final decree, herein now decreed and ordered, that one of the commissioners of the court, do take an account of the real estate, consisting of lots, lands, and ground rents, in and about the town of Alexandria, and in the State of Virginia, whereof, Richard Arell, great grandfather of the complainants, died

seized, and which, on his death, descended to Mary Jenkins, the grandmother of the complainants, and on her death to Eleanor Jenkins, the mother of the complainants; and which, on the 15th day of March, 1813, remained the property of the said Eleanor, and subject to the life estate of George Jenkins, her father, as tenant by the courtesy; and that he report the value of the said real estate, on the 15th day of March, 1813. That he ascertain and report what parts and portions of the said real estate the said George Jenkins has sold, or otherwise disposed of, since the said 15th day of March, 1813, and what considerations in money, or otherwise, he received, or contracted to receive, for the same; and that he return copies of the deeds executed by said the George, for the property so sold; that he state and report an account between the complainants and defendants, charging the defendants with the rents and profits of so much of the said real estate remaining unsold, as have been received by them since the death of their father, specifying by whom received, and crediting the defts. with all the sums of money by them paid for taxes, on the said property, and for necessary and permanent repairs, for upholding the same, with a reasonable commission on the sums received, and all necessary expenses of collection; that the said commissioner do take an account of the said John J. Jenkins's administration on the estate of the said George, and report to the court the balance of assets remaining in his hands; and that he report, specially, such matters as as either party may deem material.

And at another day, to wit, at a court continued and held for the county aforesaid, the 13th day of May, 1837, master commissioner Moore, filed his report, which is ordered to lie for exceptions, and the cause continued; which report is as follows:

MASTER COMMISSIONER'S REPORT.

DISTRICT OF COLUMBIA, *to wit.* *October Term*, 1835.

SARAH M. PYE, AND OTHERS, complainants,
vs.
JOHN J. JENKINS, AND OTHERS, defendants. } In Chancery.

This cause having been heretofore set for decree, and now coming on to be heard, on the bill of the complainants, and the answer of the defendants, to which the complainants have replied generally, and on the exhibits filed; it is therefore by the court, preparatory to a final decree, herein now decreed and ordered that one of the commissioners of the court, do take an account of the real estate, consisting of lots, lands, and ground rents, in and about the town of Alexandria, and in the State of Virginia, whereof Richard Arell, the great grandfather of the complainants, died seized, and which, on his death, descended to Mary Jenkins, the grand-mother of the complainants, and on her death, to Eleanor Jenkins, the mother of the complainants; and which on the 15th day or March, 1813, remained the property of the said Eleanor, and subject to the life estate of George Jenkins,

her father, as tenant by the curtesy; and that he report the value of the said real estate, on that day the 15th March, 1813; that he ascertain what parts and portions of the said real estate, the said George Jenkins has sold, or otherwise disposed of, since the said 15th day of March, 1813, and what considerations in money or otherwise, he has received, or contracted to receive, for the same, and that he return copies of the deeds executed by the said George, for the property so sold, and that he state and report an account between the complainants and defendants, charging the defendants with the rents and profits of so much of said real estate remaining unsold, as has been received by them, since the death of their father, specifying by whom received, and crediting the defendants with all the sums of money by them paid for taxes on the said property, and for necessary and permanent repairs for upholding the same, with a reasonable commission on the sums received, and all necessary expenses of collection; and that the said commissioner do take an account of the said John J. Jenkins's administration on the estate of the said George, and report to the court the balance of assets remaining in his hands; and that he report specially such matters as either party may deem material.

A copy: Teste,
EDM. I. LEE, C. C.

A copy:
Teste; A. MOORE, M. C.

Pursuant to the annexed decree and order, the undersigned commissioner respectfully reports, that he has taken an account of the real estate, consisting of lots, lands, and ground rents, in and about the town of Alexandria, and in the state of Virginia, whereof Richard Arell, the great grand-father of the complainants, died seized, and which on his death descended to Mary Jenkins, the grand-mother of the complainants, and on the death of Eleanor Jenkins, the mother of the complainants, and which on the 15th day of March, 1813, remained the property of the said Eleanor, and subject to the life estate of George Jenkins her father, as tenant by the curtesy, and of the value thereof on the said 15th day of March, 1813; and also the parts and portions of the said estate, which have been sold and conveyed by the said George Jenkins, since the said 15th day of March, 1813, and the consideration money received for the same, as shown by the subjoined schedule.

Account A, shows the sums received by the defendant for rents, since the 8th day of April, 1831, from parts of said estate, to first of September, 1836, and for property sold by the testator.

The defendant admits that he has assets of his testator's estate unadministered, amounting to $8,448 62, which also appears from the certificate of the register of wills, of Charles county, Maryland, now filed. It therefore appears by the schedules and account A, that the testator's estate is indebted to the complainants for property sold by him, under the deed of the 15th day of March, 1813, in the sum of $5,677 01, which should bear interest from the 8th day of April, 1831, the period of his death; and in the further sum of

$1,167 05, for nett rents received from that time to the first September, 1836, and for the further sum of £5 9 8, received by the testator in the year 1797, upon the division of the real estate of Richard Arell, the elder, with interest from said 18th day of April, 1831.

At the special request of the defendant, John J. Jenkins, the commissioner reports account B, against the complainants, amounting to $7,970 44, principal and interest; and he claims the same as an offset to the account A. To the whole of which account B, the complainants except, unless it be the first charge therein of $2000, for twenty shares of Potomac Bank stock, which it is admitted the mother of the complainants received on her marriage with James B. Pye, and the same was purchased on the 3d November, 1813, by George Jenkins, and placed on the books of the bank in the name of his daughter Eleanor A. Jenkins, out of the moneys received from Harper and Davis, for lot No. 3, in the schedule, all of which money, $3000, is charged to his estate in account A.

A. MOORE,
M. C.

SCHEDULE OF REAL ESTATE AND GROUND RENTS, REFERRED TO IN COMMISSIONER'S REPORT.

Commissioner's Office,
September 4, 1836.

The defendants, by their counsel William L. Brent, except to the whole account A.

A. MOORE, M. C.

Schedule of the real estate and ground rents, which descended to the complainants, Sally Maria Pye, and Edward A. Pye, with its probable value on the 15th day of March, 1813.

No. 1. A lot of ground beginning upon Duke street, upon the west side of an alley 18 feet 9 inches wide, and to the west of Union street 148 ft. 4 in. to a thirty feet alley, thence east to the first alley 20 feet, thence with that alley to the beginning - - -	$600 00
No. 2. A lot of ground beginning upon Union street 89 ft. 6½ in. to the northward of Duke street, thence north with Union street, 29 ft. 9¼ in. thence westwardly parallel to Duke street, to an alley 18 ft. 9 in. wide, thence south with the line of that alley 29. 9¼ thence, to the beginning - - - - -	250 00
No. 3. A lot of ground sold to Harper and Davis, and described in said deed, now returned to court	3,000 00
No. 4. One ditto sold to the trustees of St. Paul's church, described in the deed returned to court -	1,250 00

No. 5. Lot of ground at the intersection of Royal and Woolfe streets, running east on Woolfe street 65. 3. north 79. 10. to a nine feet alley; with that alley west to Royal street, and thence to the beginning - $400 00

No. 6. A lot of ground on the northeast intersection of Prince and Royal streets, fronting on Royal street 24. 7. and running east, parallel to Prince street, 70 feet, then south to Prince street 27 ft. 7 in. thence to the beginning - - - - - 1,200 00

No. 7. An annuity or rent charge on a mill seat on Difficult run, of £ , per annum; this is of no value, nor has any rent been received by the defendants.

No. 8. An annuity in fee, issuing out of a lot of ground granted to John Butcher, on the north side of King street, and east side of Gretter's alley, for £90, Virginia currency - - - - - 500 00

No. 9. One ditto of £3, granted to George Gilpin, on lot on the east side of Gretter's alley 166 66

No. 10. An annuity in fee of £16 10, issuing out a lot of ground on the east side of Royal street, and to the north of Prince street, granted to Baldwin.

No. 11. One ditto on a lot adjoining the above, granted to Henry Walker for £9 2 6.

The above annuities were conveyed by George Jenkins to Samuel Baggott, as per deed returned to court, for the sum of - - - - - - 854 20

No. 12. A lot of ground and tenement on the east side of Royal street, and to the northward of Prince street, sold by George Jenkins to W. H. Hannon, for $600, who failed to comply with the terms of sale, and died shortly after he made the purchase; suit was instituted by Jenkins against the heirs and administrators of Hannon, and a decree got in the circuit court of the District of Columbia, sitting at Alexandria, and it was sold by Marshal Ringold for the nett sum of - - 447 81

Jenkins received a dividend from the administrator of Hannon of - - - - - 125 00

No. 13. A lot of ground twenty-five feet, front on Royal street, to the north of St. Paul's church

$8,792 97

No. 13. Valued at - - - - 200 00

$8,992 97

No. 12, and 13, were allotted to Eleanor Jenkins on the division of a portion of the real estate of Richard Arell, the elder. Vide decree of the circuit court, P. G. Marsteller against George Jenkins, et al.

ACCOUNT A, REFERRED TO IN COMMISSIONER'S REPORT.

Account A, referred to in the commissioner's report, for property sold by George Jenkins, under the deed of March 15th, 1813, and the rents received by his executor since his death, from the property conveyed by said deed, viz:

Dr. The Estate of George Jenkins, deceased,

To the Complainants.

1813. October 29. For a lot of ground sold to William Harper, and Josiah H. Davis - - -	3,000 00
1817. Sept. 17. Ditto sold trustees of St. Paul's church - - - - - -	1,250 00
1815. Dec. 23d. For two annuities, or ground rents, sold to Samuel Baggott - - - -	854 20
Total amount of sales under the deed of March 15th, 1813, to bear interest from the 8th day of April, 1831, when George Jenkins died, and his life estate ended	$5,104 20
To nett rents collected by the executor of George Jenkins since his death to the first day of September, 1836, viz: for nett rents of the lot and tenements, designated by the No. 6, in the schedule of real estate, received by Charles Bennett, by authority of the executor of George Jenkins, and to be applied to the extinguishment of a debt, due to said Bennett by Jenkins	603 09
To ditto collected by Josiah H. Davis for lots and tenements, Nos. 1 & 2, the schedule of real estate, to be applied as above - - - - -	304 96
Total rents received, to bear interest from the 1st September, 1836 - - - - -	1,007 05
Add also the annuities or ground rents, Nos. 10 & 11, in the schedule, amounting to $40 per annum, collected by the executor, from first March, 1831, to first March 1834, inclusive - - - - -	160 00
To bear interest from 1 Sept. 1836 - - -	1,167 05
To amount of real estate and annuities sold, brought forward from page - - - -	5,104 20
To amount received for lot No. 12, in the schedule -	572 81
Total amount sold under the deed of 15th March, 1813, to bear interest from 8 April, 1831 - -	$5,677 01

Total amount of rents collected, with interest from 1st September, 1836	$1,167 05
To £5 9 8, received by George Jenkins on the division of the real estate in 1797	18 28

ACCOUNT B, REFERRED TO IN COMMISSIONER'S REPORT.

Account B, referred to in commissioner's report.

James B. Pye, and Sally Maria Pye, and Edward A. Pye,

To George Jenkins, deceased, by his executor, Jno. J. Jenkins, 1836. *Dr.*

To this sum invested in Potomac bank stock, for Eleanor A. Jenkins, on the 3d day of November, 1813 as per voucher. No. 1		$2,000 00
To interest on the sum from her intermarriage with James B. Pye, October, 1815, to 8th April, 1831, time of George Jenkins's death, 15 y. 6 ms.		1,860 00
To boarding and clothing of Sally M. Pye, from July 12th, 1818, then 22 months old, until July 12th, 1825, being 7 yrs. at $40		280 00
To boarding, clothing, and schooling Sally M. Pye, from 12th July, 1825, 'till 12 Dec. 1829, four years, five months, at $80, (No. 2.)		433 34
To this sum transferred bank stock, to the Ladies' academy in Georgetown, for boarding, clothing, and tuition of Sally M. Pye, for three years commencing 29 Dec. 1829, per voucher. 2		1,000 00
To ten shares of Potomac bank stock, now devised to Eleanor A. Pye's children by dec'd, per voucher 3		1,000 00
To use of plantation 2 years, in 1817 and 1818, at $80, per voucher, No. 4		160 00
To interest on the same from 1st January 1819, to 1st Sept. 1836, 17 yrs. 8 mos.		167 60
To the use of negroes on said plantation, for the above years, to wit:		
One negro man named Harry, 2 yrs.	$80	
One " woman named Magdalen 2 yrs.	50	
One girl, about 14 yrs. old, named Julianna	20	
One " Charlotte, a nurse—per voucher 4	30	
		180 00
To interest on the same from 1st January 1819, to 1st Sept. 1836, 17 yrs. 8 ms.		190 80
To amount of account on the books of dec'd, against James B. Pye, for 1817—1818—per voucher 5		312 87½
To interest on same, 17 years 8 mos.		331 59
To balance of account on the books of George Jenkins against James B. Pye, after he left the plantation—voucher 6		31 91½

To interest on same, from 1st January 1825, to 1st September 1836, 11 yrs. 8 mo's. - - -	22 32
	$7,970 44

Account of rents of estate received by George Jenkins, executor, charged to George Jenkins's estate, in account A, referred to in commissioner's report.

Rents received by Charles Bennett, from three tenements, belonging to the estate of George Jenkins, deceased, (to wit, one on the corner of Prince and Royal streets, one on Prince street, and one on Fairfax sreet, the last mentioned, subject to a ground rent of $11 66 2-3, per annum,) from first May, 1831, to 1st September, 1836. The excess of which rents, after deducting the commission for collection, taxes, repairs, &c. was assigned by the executor John J. Jenkins, on the 13th May, 1831, for the purpose of liquidating a debt, then due by his late father to Charles Bennett.

Gross amount received - - - -			$1010 65
Deduct commissisn for collecting, 5 per cent	$50 53		
Costs of repairing, taxes, &c. ground rent paid by C. Bennett during the above period	226 54		277 07
Nett amount -			$733 58
Deduct from the above rents, received from tenement on Fairfax street -		$237 00	
Deduct commission -	$11 85		
Cost of repairs, taxes and ground rent - - .	94 66	106 51	
			130 49
Nett amount -			$603 09
Received by the executor for ground rents -			160 00
			$736 09

Account from May 1831 to August 1, 1836.

Rents received by Josiah H. Davis from four tenements belonging to the estate of the late George Jenkins, to wit:

One on Prince street, formerly occupied by Crowmiller.
One on Union street, " " " L. Brook.
One on Union street, " " " W. McKnight.
One on the alley, since gone down by age.

Thus, from May 1, to August 1, 1836:

Samuel Crowmiller - - - - -	$21 50
Mrs. Joice - - - - - -	21 00
Nelly Richardson - - - -	3 00
Mrs. Hilton - - - - -	52 00
Mrs. Crawford - - - - -	18 00

Lawrence Brooks - -	3 00		
L. & W. Campbell - -	192 50		
	195 50		
One mo. off per agreement -	3 50		
		192 00	
Wm. H. McKnight from 1st May, 1831 to August 1st, 1836, 63 mo. at $3½ - - - -		220 50	
Cash received of John Boyer for little house on the alley now gone down - - - -		26 59	
			$554 67
Amount of taxes and repairs -	$95 25		
My commission for the collection of $554 67, *a* 10 per cent.	55 46		
		150 71	
			$403 96

DEEDS REFERRED TO, AND CHARGED TO GEORGE JENKINS'S ESTATE, IN ACCOUNT A.

Deeds referred to, and charged to George Jenkin's estate, in account A.

This indenture, made this twenty-third day of December, in the year one thousand eight hundred and fifteen, between George Jenkins, of Charles county, in the state of Maryland, of the one part, and Samuel Baggott of the town of Alexandria, in the District of Columbia, witnesses: that the said George Jenkins, in consideration of the sum of eight hundred and fifty-four dollars and twenty cents, to him paid by the said Samuel Baggott, of which he does hereby acknowledge the receipt, has granted, bargained, and sold, assigned and set over, and does, by these presents, assign and set over to the said Samuel Baggott, one certain annuity or rent of sixteen pounds ten shillings, current money of Virginia, payable on the first day of July, annually for ever, issuing out of and charged upon, a lot of ground on the east side of Royal street, in the said town of Alexandria, bounded as follows:

Beginning on Royal street, eighty-four feet seven inches to the northward of Prince street, thence northwardly on Royal street twenty-two feet, thence eastwardly, parallel to Prince street, seventy feet, thence southwardly, parallel to Royal street, twenty-two feet, thence with a straight line to the beginning; also one other annuity or rent of nine pounds two shillings and six pence, current money of Virginia, payable on the fifth day of October, in each year forever, issued out of and charged upon another lot of ground in the said town of Alexandria, adjoining to the former, and bounded as follows: beginning on Royal street, one hundred and six feet seven inches to the northward of Prince street, thence north on Royal street one foot six inches,

thence, eastwardly, parallel to Prince street, one hundred and twenty-three feet five inches, thence southwardly, parellel to Royal street, eighteen feet one inch, to the line of that piece of ground, granted by Richard Arrell and Eleanor, his wife, to Thomas Hayne; thence westwardly with the line of that ground, and parallel to Prince street, twenty feet; thence southwardly with another line of the said ground, and parallel to Royal street, five feet five inches; thence westwardly, with a line parallel to Prince street, thirty three feet five inches; thence northwardly with a line parallel to Royal street, twenty-two feet, thence eastwardly parallel to prince street to the beginning; which said rents were reserved on demises made of the said lots, by the said Richard Arell, to ———; and on the division of the said Richard's estate, under the decree of the circuit court of District of Columbia, for the country of Alexandria, were allotted to Eleanor Jenkins, daughter of the said George and Mary Jenkins, formerly Mary Arell, by whom, amongst other things, they were conveyed to the said George, by deed, dated the day of in the year , recorded in the office of said court. In which deeds of demise of the said lots from the said Richard Arell, were contained the usual covenants and conditions for the payment of the said rents, for levying the same by distress, and re-entry for not payment. The benefit of all which the said Geo. Jenkins does hereby assign to the said Samuel Baggott and his heirs. To hold the said rents with the full benefit conditions, covenants,and provision for securing the payment thereof, to the said Samuel Baggott, his heirs and assigns, to his and their only use, forever.

And the said George Jenkins, for himself, his heirs, executors, and administrators, does hereby covenant with the said Samuel Baggott, his heirs and assigns, that he, the said George Jenkins, is now in his own right, seized as of fee simple, in possession of a good and absolute estate, in the rents before described, and has full power to convey the same, in the manner hereby intended; and that he and his heirs will at the expense of the said Samuel Baggott, and his heirs and assigns, and on their request, execute and deliver any further reasonable conveyances, which may be necessary, more completely to transfer the title to the said rents, to the said Samuel Baggott, his heirs and assigns, according to the true intent and meaning hereof; and lastly that the the said George Jenkins, and his heirs,will forever warrant and defend the said rents to the said Samuel Baggott, his heirs and assigns, against the claims and demand of all persons whatever.

In witness whereof, the said George Jenkins has hereto set his hand and seal, the day and year first before written.

[SEAL.] GEORGE JENKINS.

Sealed and delivered in presence of
R. I. TAYLOR,
JOHN C. VOWELL,
ALEXANDER BAGGOTT.

At an United States circuit court of the District of Columbia, continued and held for the county of Alexandria, the 23d day of December, 1815, George Jenkins, acknowledged this deed to Samuel Baggott, to be his act and deed, and ordered to be recorded.

Test: G. DENEALE, *Clerk.*

A Copy—Test:

EDMD. I. LEE, *C. C.*

This indenture, made this eighth day of September, in the year one thousand eight hundred and seventeen, between George Jenkins of Charles county, in the state of Maryland, and Mary his wife, of the of the one part, and Lawrence Hooff, Charles Page, and George A. Thornton, of the town of Alexandria, in the District of Columbia, of the other part, witnesses: that the said George Jenkins, and Mary his wife, in consideration of the sum of twelve hundred and fifty dollars, to him paid by the said Lawrence Hooff, Charles Page, and George A. Thornton, the receipt of which is hereby acknowledged, have granted, bargained and sold, and do, by these presents, grant, bargain, and sell, to the said Lawrence Hooff, Charles Page, and George A. Thornton, a lot of ground, in the said town of Alexandria, on the north side of Duke street, and on the east side of Pitt street, bounded as follows, beginning at the intersection of the said streets,thence east on Duke street thirty-six ft. six in. and an half, then north parallel to Pitt street one hundred and fifty-three feet, four inches to an alley twenty-five feet wide, then on the alley west, parallel to Duke street, thirty-six feet, six inches and an half to Pitt street, then on Pitt street south, one hundred and fifty-three feet, four inches to the beginniug; with the use of the said alley in common with others entitled thereto, and all other priviliges and advantages to the said lot of ground belonging, or in any manner appertaining; which lot of ground and alley are parts of the estate whereof Richard Arell,formerly of Alexandria aforesaid,died siezed,and on the divission of his estate amongst his heirs, by decree of the county court of Fairfax, in the year seventeen hundred and ninety-seven, the portion, above described, was amongst other things assigned to Eleanor Jen- Jenkins, daughter of the said George Jenkins and of Mary Jenkins, his former wife, then deceased, daughter of the said Richard Arell, by whom the same was afterwards, amongst other things, conveyed to the said George Jenkins. To have and to hold the said lot of ground, and the use of the alley before described, to the said Lawrence Hooff, Charles Page, and George A. Thornton, and the survivor of them, and the heirs of such survivor forever, to their only proper use. In trust, however, for the use of the rector, vestry, and congregation of St. Paul's Episcopal church, of Alexandria, and for the use of the future rector vestries, and congregations of said church, to be managed, governed, disposed of, used, and conveyed, for such purposes and in such manner only, forever hereafter, as the rector and vestry of said church, shall from time to time appoint and direct; and on this further special trust, to raise by

the sale of the pews in the church, now erecting on the lot above described, and on the adjoining lots, under the direction of the rector and vestry of the said church, or by such other sale or disposition of the said lot and church, as the said rector and vestry may direct, the several sums of money which have been or shall be advanced, on loan, by the congregation of the said church, or others, for the purchase of the lots, or for the erection or finishing of the said church. And the said George Jenkins, for himself and his heirs, does hereby covenant with the said Lawrence Hooff, Charles Page, and George A. Thornton, and the survivor of them, and their assigns, and the heirs and assigns of such survivor, that he the said George Jenkins, has done no act to impair or defeat the title to the premises above conveyed, or in any manner to charge or incumber the same; and that he and his heirs will execute and deliver any further assurance and conveyances, which may be necessary, more completely to transfer his or their title to the premises before described, according to the true, intent and meaning hereof; and lastly, that he the said George Jenkins, and his heirs, the lot of ground and appurtenances before described, will warrant and forever defend to the said Lawrence Hooff, Charles Page, and George A. Thornton, and their assigns, and to the survivor of them, and his heirs and assigns, against the claims and demands of the said George Jenkins, and Eleanor Jenkins, and of their heirs, and of all persons claiming or to claim under them, or either of them.

In witness whereof, the said George Jenkins, and Mary his wife, have hereto set their hands and seals, the day and year first before written.

GEORGE JENKINS. [SEAL.]
MARY JENKINS. [SEAL.]

Sealed and delivered presence of
R. I. TAYLOR,
WM. WOOD,
JOHN HORNER,
ROBERT PATTON, JR.

At an United States circuit court of the District of Columbia, continued and held for the county of Alexandria, the first day of December, 1817, this deed from George Jenkins, and Mary his wife, to Lawrence Hooff, Charles Page, and George A. Thornton, in trust for the rector, vestry, and congregation of St. Pauls Episcopal Chrurch, in Alexandria, was proved by the oaths of Robert I. Taylor and Wm. Wood, and the affirmation of John Horner, to be the act and deed of the said George Jenkins, and together with a commission and return of Mary Jenkins, wife of the said George Jenkins, together with the attestation of John Barnes, clerk of Charles county court, is ordered to be recorded.

Teste: G. DENEALE, *Clk.*

A copy—Teste:
EDM. I. LEE, *C. C.*

This indenture, made this twenty-ninth day of October, in the year of our Lord one thousand eight hundred and thirteen, between George Jenkins, of Charles county, in the State of Maryland, and Mary his wife, of the one part, and William Harper and Josiah Hewes Davis, of the town and county of Alexandrra, in the District of Columbia, of the other part, witnesseth: that the said George Jenkins, and Mary his wife, for and in consideration of the sum of three thousand dollars to him, the said George Jenkins, in hand paid by them, the said Wm. Harper and Josiah Hewes Davis, at and upon the sealing and delivery of these presents, the receipt whereof, he, the said George Jenkins, doth hereby acknowledge, and thereof, and of every part and parcel thereof, doth acquit, release, and discharge them, the said William Harper and Josiah Hewes Davis, their heirs, executors and administrators, by these presents, hath given, granted, bargained, sold, aliened and confirmed, and, by these presents, doth give, grant, bargain, sell, allien, and confirm unto them, the said William Harper and Josiah Hewes Davis, their heirs and assigns forever, as tenants in common, a piece of ground, situate, lying and being upon the east side of Union street, and to the northward of Duke street, in the said town of Alexandria, and bounded as followeth, to wit: beginning upon Union street, one hundred and forty-eight feet four inches to the northward of Duke street, and running thence northwardly with Union street, and binding thereupon thirty feet, thence eastwardly, with a line parallel to Duke street, two hundred and twenty-four feet to the river Potomac, crossing an open space, laid off for a landing place, thence southwardly, with a line parallel to Union street, thirty feet, thence with a straight line to the beginning; the said premises being a part of the real estate of which Richard Arell, late of the said town of Alexandria, had died seized *of;* and upon the division of his estate among his legal representatives, were, with other parts of it, allotted unto the said George Jenkins, and his daughter, (he having intermarried with Polly Arell, a daughter of the said Richard Arell, by whom he had issue, a daughter, who hath conveyed her interest therein to the said George Jenkins,) and all houses, buildings, streets, lanes, alleys, rents, issues, and profits thereof, and the benefits and emoluments arrising from the front of the wharf, and the said landing place, and all and every benefit and advantage which can be derived from improving the water of the river, upon which the premises bind, and the reverson and reversions, remainder and remainders: to have and to hold the said hereby granted premises, with their appurtenances, unto them, the said William Harper and Josiah Hewes Davis, their heirs and assigns, as tenants in common, to the only proper use and behoof of them, the said William Harper and Josiah Hewes Davis, their heirs and assigns, forever, as tenants in common, and not as joint tenants. And the said George Jenkins doth for himself, his heirs, executors and administrators, covenant, grant and agree to, and with the said William Harper and Josiah Hewes Davis, their heirs and assigns, that he, the said George Jenkins, is now, at the time of the sealing and delivery of these presents, seized in his own right of a good, sure, perfect and indefeasible estate of inheritance, in free simple, of, in, and to, all and

singular the said premises, with their appurtenances, without any manner of condition, mortage, limitation of use, or uses, or any other matter, cause, or thing, to alter, change, charge or determine the same; and also, that he, the said George Jenkins, and his heirs, will at any time hereafter, upon the request, and at the cost and charge of them, the said William Harper and Josiah Hewes Davis, their and assigns, execute and acknowledge any further lawful act and deed, for the more certain assurring and conveying all and singular the premises hereby granted, with their appurtenances, unto them, the said William Harper and Josiah Hewes Davis, their heirs and assigns, as by them, the said William Harper and Josiah H. Davis, their heirs and assigns, their or any of their counsel, learned in the law, shall or may be advised or required; and lastly, that he, the said George Jenkins, and his heirs, all and singular the said premises, with their appurtenances, unto them, the said William Harper and Josiah Hewes Davis, their heirs and assigns, against the claim and demand of him, the said George Jenkins, and his heirs and all, and every other person or persons, whatsoever, shall and will warrant and defend by these presents.

In witness whereof, the said George Jenkins, and Mary his wife, have hereunto set their hands and seals, the day and year first herein before mentioned.

GEORGE JENKINS. [SEAL.]
MARY JENKINS. [SEAL.]

Sealed and delivered in presence of
JOHN T. BROOKS,
JOHN HARPER,
A. P. GOVER,
JOHN B. MILLS,
JOHN J. JENKINS.

Received of William Harper and Josiah Hewes Davis, three thousand dollars, the consideration herein mentioned.

GEO. JENKINS.

Witness:
A. P. GOVER,
JOHN HARPER.

At an United States circuit court of the District of Columbia, continued and held for the county of Alexandria, the 4th day of December, 1813, this deed from *from* George Jenkins, and Mary his wife, to William Harper and Josiah Hewes Davis, was proved by the oaths of John T. Brooks and John Harper, and the affirmation of Anthony P. Gover, to be the act and deed of the said George Jenkins, which, together with a commission for the privy examination of Mary Jenkins, wife of said George, are ordered to be recorded.

Teste: G. DENEALE, *Clk.*

A copy—Teste:
EDM. I. LEE, *C. C.*

VOUCHERS REFERRED TO IN ACCOUNT B—Vouchers referred to in account B.

Voucher to prove purchases of bank stock, &c.

BANK OF POTOMAC, *July* 22, 1836.

I hereby certify that Charles Bennett and Alexander McKenzie transferred to Eleanor A. Jenkins, on the 3d day of November, 1813, each, ten shares of bank stock, making twenty shares, and that the said twenty shares of stock was transferred by James B. Pye to himself, for E. A. Jenkins, on the 28th day of May, 1817.

EDWD. C. FLETCHER, *Disct. Clk.*

BANK OF POTOMAC, *July* 22, 1836.

I hereby certify that George Jenkins transferred to the Sisters of the Visitation or Georgetown, D. C. ten shares of stock, the 17th day of December, 1829.

EDMD. C. FLETCHER, *D. C.*

BANK OF POTOMAC, *July* 22, 1836.

I certify that Charles Bennett, attorney for Geo. Jenkins, transferred to the President, Directors & Co. of the Bank of Potomac, in trust, ten shares of bank stock, the 13th day of September, 1830, for the purpose of meeting the instalments due on the Alexandria Canal Company's stock, by George Jenkins.

EDWD. C. FLETCHER, *Dist. Clk.*

VOUCHER NO. 2, REFERRED TO IN ACCOUNT B.

Being called on by Mr. John J. Jenkins, I have no hesitation in certifying that, to my knowledge, Miss Sally Maria Pye lived with my uncle, (the late George Jenkins) her grandfather, from the time of her mother's death until she was sent by my uncle to school; and I have always understood that she was at no expense to her father (Mr. Pye) whilst in my uncle's family.

Witness my hand, this tenth day of Ausgust, 1836.

ELLEN DEMENT.

STATE OF MARYLAND—*Charles county, sct.*

Being called on by Mr. John J. Jenkins, I do hereby certify that, to my knowledge, Sally Maria Pye, grand daughter of the late George Jenkins, lived in his family, and was under his care, from the death of her mother, until she was sent to school.

In witness whereof, I have signed the same, this second day of August, 1836.

CHLOE SEMMES.

Then came before me, the subscriber, a justice of the peace for county and State aforesaid, Mrs. Chloe Semmes, and made oath on the holy Evangely of the Almighty God, that the facts stated in the above certificate are true, to the best of her knowledge and belief.

Sworn before

F. NELSON,
Justice of the Peace.

Angust 2*d*, 1836.

VOUCHER NO. 2.

This is to certify, that the transfer of ten shares of stock in the Bank of Potomace, by the late George Jenkins, to the Sisters of the Visitation of Georgetown, D. C. was for the board, clothing and tution of his grand-daughter, Sally Maria Pye, for the term of three years, and for no other purpose whatever.

Witness my hand, this twenty-third day of July, 1836.

ST. M. JULIAN MATHENS, *Supt.*

STATE OF MARYLAND—*Charles county, sct.*

Being called on by John J. Jenkins, Esquire, we hereby certify, that, to our knowledge, Mr. James B. Pye worked, and lived on a plantation of the late George Jenkins, called the Retreat, (which our land adjoins) in the year 1817 and 1818, to the best our recollection, but certainly two years he lived there. After Mrs. Pye's death Mr. Pye left the place, and we believe the same was rented out by Mr. Jenkins for eighty dollars per annum. To our knowledge also, Mr. Pye had several negroes of the late Mr. Jenkins, in his service, to wit: a negro man by the name of Harry Jones, and a negro woman by the name of Magdalen: the others we do not recollect the names of.

In witness whereof, we have hereto signed the same, this second day of August, 1836.

JOHN WARD,
JOHN A. MADDOX.

Witness:
F. NELSON.

STATE OF MARYLAND—*Charles county, sct.*

Then came before me, the subscriber, a justice of the peace, for the county and State aforesaid, John A. Maddox, and John Ward, subscribers to the within certificate, and made oath on the holy Evangely of Almighty God, that the facts stated in the within certificate are true, to the best of their knowledge and belief.

Sworn to before me, this second day of August, 1836.

P. NELSON,
Justice of the Peace.

VOUCHER NO. 5, REFERRED TO IN ACCOUNT B.

Dr. *James B. Pye*

To George Jenkins, dec'd. *Cr.*

1816.		
Dec. 27.	To cash paid Ign's. Ward, for beef and pork	$38 50
" "	" " James Blair, for corn - -	28 00
1817.		
Jan. 25.	1 axe, 2 25 cts. stub and screw for cutting box, $1 - - - - - - -	3 25
" 30.	To cash $195 (Feb. 3,) iron for wood-slide 50c.	195 50
Feb. 6.	4 horse shoes, 1 25, (18,) one new plough and 2 coulters, 4 70 c. - - - - -	5 95
" 13.	Brace and heel screw, 50, (27) banding 2 cart wheels, $11 10 - - - - -	11 60
" 27.	Ringing 15 nets, 15¾ c., 2 35¼; ironing body, complete, 6 09 c. - - - -	8 44¾
" "	Ironing axletree, complete, $2, (M. 11,) repairing trace chains, 14 c. - - -	2 14
March 11.	Ironing pair hames, and chain, 75 c. - -	75
April 8.	1 brace for plough, 37½, ($1) 1 screwtree iron, 20 c. - - - - - - - -	57½
May 17.	Laying plough, 90, sharpening 1 do, 14 c. ironing mould board, 50 c. - - - -	1 58
" 21.	4 horse shoes, 1 25 c. (22d,) pointing coulter, 20 c. - - - - - - -	1 45
June 17.	Sharpening plough, 14 c. pointing coulter, 20 c. (July 4,) pointing 1 do. 20 c. - -	55
Aug. 2.	Moving 2 horse shoes, 31¼ (5th,) laying axe, 75 c. - - - - - - - -	1 06¼
Sept. 18.	2 horse shoes 62½, moving 2 do. 31¼ - -	93¾
" 30.	Pointing coulter, 20 c. repairing ox yoke ring, 20 c. - - - - - - - -	40
Oct. 10.	Laying plough, 90, repairing bar, 50 c. -	1 40
1818.		
Jan. 2.	To four horse shoes 1 25, (14th,) 1 axe, 75, jumping 1 do. 62½ - - - - -	2 62½
" 21.	1 hay fork, 50 c. (Feb. 21,) 1 new plough and coulter, 3 90 c. - - - - - -	4 40
Feb. 21.	1 set braces and heel screws 30, (Mar. 5,) sharpening plough 14 c. - - - -	64
March 10.	Repairing 2 chains, 20 c. ironing mould board, 20 c.	40

1818.			
March 11.	Laying and steeling 1 grub hoe, 75 c. (12th) ox yoke ring and staple, 1 05 c. - - -	1	80
" 26.	Putting eye to hatchet, 50 c. - - -		50
April 13.	2 cleets and staple for harness, 40 c. - -		40
" 16.	1 clevice iron and pin 40 c. (23d,) pointing coulter, 20 c. - - - - - -		60
" 23.	Repairing blade of do. 20, (24th,) putting eye to grub hoe, 40 c. - - - -		60
May 5.	2 horse shoes, 62½ moving 2 do. 31¼ - -		93¾
" 11.	7 bushels salt, per Geo. Chapman, a 80 c. -	5	60
" 25.	Laying hoe, 40 c. (June 3d,) laying hoe 40 c.		80
June 21.	Pointing coulter 20, (July 3d,) pointing coulter, 20 c. - - - - - - -		40
Aug. 3.	2 horse shoes, 62½, moving 2 do. 31¼ c. -		93¾
		$322	67¾
1818.	CR.		
May 11.	By cash won of me on a bet, about your mares, being in foal - - - - - -	10	00
	Due J. Jenking	$312	67
	Point'g coulter omitted, May 3d, 1817, in copying this account, - - - - -		20
		$312	87½

STATE OF MARYLAND, *Charles County, sct.*

I hereby certify that the above account is a true copy from the books of the late Geo. Jenkins, which appear to be legally proved. At same time came before me, a justice of the peace, for county and State aforesaid, John J. Jenkins, administrator of Geo. Jenkins, deceased, made oath on the Holy Evangely of Almighty God, that he believes the above account to be justly due; and that he has not, neither hath any other person or persons for him, or his use, received any part, parcel, or security for the same, other than the credit given, to the best of his knowledge and belief.

Given before

CHARLES McCANN.

August 1st, 1836.

STATE OF MARYLAND, *Charles County, to wit:*

I hereby certify, that Charles McCann, gentleman, before —— the foregoing affidavit appears to have been made, and whose name is thereto subscribed, was at the time thereof, and still is, one of the State of Maryland's justices of the peace, in and for Charles county aforesaid, duly commissioned and qualified.

In testimony whereof, I have hereto subscribed my name, and affixed the seal of Charles county court, this first day of August, in the year of our Lord one thousand eight hundred and thirty-six.

[SEAL.] JOHN BARNES,
Clerk of Charles County Court.

VOUCHER NO. 6, REFERRED TO IN ACCOUNT B.

Dr. *James B. Pye*
To George Jenkins, dec'd. *Cr.*

1820.		
Oct. 20.	To four bushels of wheat at $1 - - -	$ 4
1821.		
Jan. 3.	To ten horse shoes 2 50 (8th) 2 new axes $4	6 50
" 11.	2 cart boxes $3 18¾ c. (13th) 1 new axe $2 -	5 18¾
" 23.	1 new axe $2, 2 iron wedges 1 48¾ c. - -	3 48¾
Feb. 2.	Repairing F. J. Mitchell's waggon for you -	75
" 9.	One new plough and coulter, 1 87½ c. (17th) three 14½ brace and heel screw, 50 c. -	3 64½
March. 9.	Moving horse shoe 12½, (12th) 12 swingle-tree irons 2 04 c. 50 c. - - - - -	2 16½
" 12.	Three open rings, 42 c. 1 clevice iron and pin 40 c. - - - - - - -	82
" "	Repairing two chain traces, 25 c. - -	25
" 31.	1 new Cary plough 16 c. 17 c. 2 62, brace and heel screw, 50 c. - - - - -	3 12
April 4.	1 new hilling hoe, $1 (6th) 9 swingle-tree irons 1 53 c. - - - - - - -	2 53
" 6.	2 hame irons 34 c. (7th) laying coulter 62½ -	96½
" 7.	1 clevice iron and pin, 40 c. (14th) moving 2 horse shoes, 25 c. - - - - -	65
" 18.	Moving 1 do. 12½ (19th) ironing cart shafts, 2 62½. - - - - - - -	2 75
" 14.	16 rivets $1, ironing one pair of hames, 62½ -	1 62½
" 30.	Sharp'ng. plough 14 c. pointing coulter 17 c.	31
May 5.	1 new coulter 1 10½ sharpening and pointing Cary plough 34 c. - - - - -	1 44½

May	21.	Laying plough 75 c. sharpening 2 coulters 12½	$	87½
"	"	Repairing 2 trace chains 20 c. (June 5th) sharpening plough 14 c. - - - -		34
June	5.	Point. coulter 17 c. repairing clev. iron, 14 c.		31
"	"	2 horse shoes 50 c. (8th) 2 horse shoes 50 c.	1	
"	15.	Sharpening and pointing 1 Cary plough 34 c.		
"	22.	pointing 2 coulters 34 c. - - -		68
"	28.	2 sets of cradle irons $2 - - - -	2	
July	7.	To laying and pointing Cary plough 93 c. -		93
"	"	1 do. bar shear 75 c. pointing coulter 17 c. sharpening 1 do. 6¼ c. - - -		98¼
"	13.	Moving 1 horse shoe 12½ c. repairing carpenter's adz, 14 c. - - - - -		26½
"	24.	Putting heel to plough bar 20 c. sharpening coulter 6¼ - - - t -		26¼
"	28.	3 harrow hoes 2 25 (30th) 2 horse shoes 50 c.	2	75
Sept.	10.	Laying 2 ploughs 1 50 c. sharp'ng. 1 do 14 c.	1	64
"	"	Repairing bar of 1 do. 50 c. pointing coulter 17 c. - - - - - - -		67
"	"	Sharpening 1 do. 6¼ rep'g. and putting on cart-tyre 62½. - - - - - -		68¾
"	"	6 rivets 37½ moving horse shoe 12½ - -		50
"	13.	1 swingle-tree iron 17 c. (17th) 3 horse shoes 75 c. - - - - - - -		92
"	27.	Sharp'ng. plough 14 c. (Oct. 30th) sharp'ng. and pointing Cary plough 34 c. - -		48
Dec.	15.	6 horse shoes 1 50 c. - - - -	1	50
			56	99¼
1822.				
Aug.	13.	To sundries 3 92, to wit.		
"	"	Putting cartband $1 - - - -	1	
"	"	To ¼ nails 17 c. 21¼ 2 nut-rings 12½ *a* 17 2 08¼	2	29½
"	"	Putting on 1 do. yr. iron 25 c. - - -		25
"	"	6 rivets for cart wheels *a* 6¼ c. - - -		37½
			60	91¼
1824.				
Sept.	28.	To repairing coulter 18¾, do. one plough shear 6¼ - - - - - - - -		25
		Do. 1 brace 6¼, 2 rivets for plough 12½ -		25
			61	41½
1825.		To balance due pr. contra - - -	31	91⅓

1825.	CONTRA. CR.	
Jan. 5.	By 2 hair combs for Sarah Maria Pye, and Mary Jane Jenkins - - - -	$ 2 50
" "	By board for M. Jane Jenkins for 3 months -	13 50
" "	By board for same time for Sally M. Pye -	13 50
		29 50
1825.	By balance due G. Jenkins - - -	31 91½
		$61 41½

STATE OF MARYLAND, *Charles County, sct.*

I hereby certify that the above account is a true copy from the books of the late George Jenkins, deceased, which books appear to be regularly and legally proven.

At the same time came John J. Jenkins, executor of the said George Jenkins, and made oath on the Holy Evangely of Almighty God, that the above account is justly due; and that he has not, neither hath any person for him, or his use received any part, parcel, satisfaction, or security for the same, more than the credit given.

Witness one of the justices of the peace, for county and State aforesaid; and signed by me this ninth day of August, eighteen hundred and thirty-six.

CHARLES McCANN.

STATE OF MARYLAND, *Charles County, sct.*

I hereby certify that Charles McCann, before whom the within affidavit was made, and whose name is thereto sabscribed, was at the time thereof, and still is, one of the State of Maryland justices of the peace, in and for said Charles county afcresaid, duly commissioned and qualified; and to all whose acts as such, full faith and credit are due, and ought to be given, as well in courts of justice as thereout.

In testimony whereof I have hereto subscribed my name, and affixed the seal of Charles county court, this ninth day of August, in the year of our Lord one thousand eight hundred and thirty-six.

[SEAL.] JOHN BARNES,
Clerk of Charles County Court.

STATE OF MARYLAND, *Charles County sct.*

I hereby certify that it appears upon the third (and supposed final) account of John J. Jenkins, executor of George Jenkins, late of Charles county, deceased, to be due, and for distribution, the sum of

eight thousand four hundred and eighty four dollars and sixty-two cents.

In testimony whereof, I have hereto subscribed my name, and affixed the seal of my office, this twelfth day of July, in the year of our Lord one thousand eight hundred and thirty-six.

[SEAL.]

Test: E. H. BRAWNER,
Register of Wills for Charles County.

PETITION TO AMEND ANSWER.

At another day, to wit, at a court continued and held for the district and county aforesaid, the 14th October, 1837, came the parties aforesaid, by their solicitors; and the defendants filed their petition, and moved the court for leave to amend their answers; which motion was overruled, and court refused to permit the answers to be amended: Which petition is as follows:

To the honorable judges of the circuit court of the District of Columbia, for the county of Alexandria, sitting in equity:

The petition of John J. Jenkins, Robert Morrow, ond Mary Morrow, his wife, defendants to the bill of complaint exhibited by Sally Maria Pye and Edward Arell Pye, infants under the age of twenty-one years, by James B. Pye, their next friend, represents, that, since the filing of their answers to said bill, they have discovered that a valuable consideration, to wit, the sum of two thousand dollars, was paid to Eleanor A. Jenkins, the complainants' mother, ——— which they claim, upon the 3d day of November 1813, by the defendant's father George Jenkins, for the property conveyed to him upon the 15th March 1813, by the said Eleanor, and being *the* the deed exhibited in this case, and that the same was a full consideration for the same; and they pray your honors to allow them to amend their answers, so as to enable them to prove the same. That, at the time of filing said answers, they did not know this fact, but were under the impression that the same was given to said Eleanor, and to said James B. Pye, as a marriage portion, when the fact is the contrary, as they show to your honors from exhibit B, filed in this case, and admitted by the complainants to be true, except so far as objected to; that said exhibit shows the said sum to have been paid at the aforesaid time stated, to wit, upon the 3d November 1813; when in fact, said Eleanor was not married until in 1815, nearly two years afterwards.

And your petitioners state, that said sum of two thousand dollars, was paid alone as said consideration; as at that time their father owed said Eleanor nothing, and had no motive to pay the same, but the one stated. For these reasons your honors are prayed to allow the amendment of said answers, upon any terms your honors may deem fit and proper, and as in duty bound they will ever pray, &c.

WILLIAM L. BRENT,
Attorney for defendants.

COUNTY OF ALEXANDRIA, *District of Columbia:*

William L. Brent attorney for the defendants in the above named case, makes oath, that the defendants are not residents of the district of Columbia, and have confided their case to him; that he has not been able to see them since the discovery of the testimony alluded to, so as to obtain their affidavits; and that the facts stated in the petition are true, so far as stated to be of *their* (his) knowledge, and so far as stated to be from the information of others, he believes them to be true.

And further deposing, states, that he has every reason to believe that said amendment can be made in time to have said case decided at the next term.

EDMUND I. LEE, *C. C.*

October, 4th 1837.

FINAL DECREE.

And now here, at this day, to wit, at a court continued and held for the district and county aforesaid, on the said 31st day of October, 1837, came the parties aforesaid, by their solicitors, and this cause now coming on to be heard on the exceptions taken by the complainants and defendants, to the report of master commissioner Moore, in this cause, returned and filed at the last term of this court. On consideration thereof, the exceptions taken by the complainants are adjudged sufficient, and are sustained by the court, it being the opinion of the court that the charges made by the defendants, and reported by the commissioner, are inadmissible, (except the sum of $2000, supported by voucher No. 1. which the complainants agreed to admit,) either in bar of any part of the complainants' claim, or as offsets to it; and the exceptions taken by the defendants to the said report are wholly overruled.

And the court now proceeding to final decree in this cause, is of opinion that the deed of the 15th of March, 1813, in the complainants' bill mentionsd, from Eleanor A. Jenkins, the mother of the complainants, to her father George Jenkins, whereby the said Eleanor conveyed to her father her whole estate without having received any consideration, having been procured by the said George soon after the minority of his said daughter had expired, and while she yet remained under his power and control, and uninformed, so far as it appears to the court, of the nature and extent of her rights, was obtained under circumstances which on the settled principles of equity, entitle the complainants, claiming under the said Eleanor, to be relieved from it, at least so far as any part of the real estate thereby conveyed remains in the possession of the defendants as heirs at law of the said George, and entitle the complainants to claim the sums of money which were received by the said George, in his life time, from the sale of any portions of the property conveyed.

It is therefore, by the court now here decreed, that the said conveyance be, and the same is hereby annulled and vacated, so far as it conveys or purports to convey such parts of the lands, tenements, annuities or rents, to which the said Eleanor, on the 15th day of March, 1813, was entitled, as yet remain unsold by the said George, as stated in the commissioner's report, and the possession of the defendants, as his heirs; and that the defendants do surrender peaceable and quiet possession thereof to the complainants.

And it is, by the court, further decreed that the defendant, John J. Jenkins, as administrator of the said George Jenkins, do, out of the assets of his intestate, admitted to be in his hands, pay the complainants the sum of $3677 01, being the amount of money received by the said George in his life time, from the sale of real estate of the said Eleanor, claimed under the deed of the 13 March, 1813, deducting therefrom the sum of $2000, for which the complainants had agreed to allow credit as aforesaid, and that he pay out of the assets of his testator the further sum of £5 9 8, Virginia currency, of the value of $18 28, money of the United States, being the amount received by the said George to equalize the partition of the estate of Richard Arell, in the report mentioned in the year 1797, after the death of the mother of the said Eleanor, with interest on the said sums of money from the 8th day of April, 1831, when the life estate of the said George terminated.

And it is further decreed by the court, that the defendants John J. Jenkins, do pay to the complainants, the further sum of $1,167 05, being the amount of rents and profits of the estate conveyed as aforesaid, and not sold and disposed of, received by him, from the death of the said George to the first day of September, 1836, and that the defendants do pay to the complainants their costs in the prosecution of this suit expended, to be taxed by the clerk.

And leave is reserved to the complainants to apply to this court for further relief in respect to such rents and profits of the estate as may have been received by the defendants, or either of them, since the first day of September, 1836.

APPEAL.

From which decree the defendants pray an appeal to the next Supreme Court of the United States, which is granted upon their giving bond and security in the penalty of four hundred dollars, to be approved by one of the judges of this court.

CLERK'S CERTIFICATE.

DISTRICT OF COLUMBIA—*Alexandria County, ss.*

I, Edmund I. Lee, clerk of the United States circuit court of the District of Columbia, for Alexandria county, do hereby certify, that the foregoing is a true transcript of the record and proceedings in a

certain cause, lately depending in said court, in which Sarah Maria Pye, and Edward Arell Pye, are complainants, and John J. Jenkins, and Robert Morrow, and Mary his wife, are defendants, with all things touching the same, as fully as they exist, in my office. In testimony whereof, I hereto set my hand, and affix the seal of my office, this nineteenth day of December, in the year 1837.

[SEAL.] EDM. I. LEE, C. C.

COPY BOND.

Know all men by these presents, that we, John J. Jenkins, George P. Jenkins, and William L. Brent, are held and firmly bound unto James B. Pye, (for the use of Sarah M. Pye and Edward Arell Pye) in the full and just sum of four hundred dollars, to the payment whereof, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated this tenth day of November, 1837. Whereas, at an United States circuit court of the District of Columbia, continued and held for the county of Alexandria, the 31st day of October, 1837, in a suit in chancery, in which Sarah M. Pye, and Edward A. Pye, infants, under the age of 21 years, by James B. Pye, their guardian, and next friend, were complainants, and John J. Jenkins, and Robert Morrow, aud Mary his wife, were defendants, it was decreed that the conveyance in the bill mentioned, be annulled and vacated, so far as it conveys, or purports to convey such parts of the lands, tenements, annuities, or rents, to which the said Eleanor, (in bill named,) on the 15th day of March, 1813, was entitled, as yet remain unsold as stated in the commissioner's report, and in the possession of the defendants, as heirs of George Jenkins, and that the said defendants do surrender, peaceable and quiet possession thereof to the complainants.

And it was by the court further decreed, that the defendant, John J. Jenkins, as administrator of the said George Jenkins, do out of the assets of his intestate, admitted to be in his hands, pay to the complainants the sum of $3677 01 being the amount of money received by the said George, in his life time, from the sale of the real estate of the said Eleanor claimed under the deed of the 13th March, 1813, deducting therefrom the sum of $2000, for which the complainants have agreed to allow credit; and that he pay out of the assets of his testator the further sum of £5 9 8, Virginia currency, of the value of $18 28, money of the United States; and that he also pay to the complainants the sum of $1167 05, being the amount of rents and profits of the estate conveyed as aforesaid; and that the defendants do pay the complainants their costs, in the prosecution of this suit expended, to be taxed by the clerk.

From which decree the defendants have prayed an appeal to the Supreme Court of the United States. Now the condition of the above obligation is such, that if the said John J. Jenkins, William Morrow, and Mary his wife, shall prosecute the said appeal to effect, and pay